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JUL 25 2006

ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

MICHELLE HILL, INDIVIDUALLY : DOCKET NO. 2:06 CV 0265
AND AS REPRESENTATIVE OF THE
ESTATE OF JAMES RODNEY HILL,
DECEASED

VS. : JUDGE MINALDI

E.W. BELCHER TRUCKING : MAGISTRATE JUDGE WILSON
COMPANY, RICKY L. HALL, AND
GREAT WEST CASUALTY
INSURANCE COMPANY

JUDGMENT

In accordance with the corresponding Memorandum Ruling,

IT IS ORDERED that the Motion to Dismiss [doc. 11] filed by the defendants, E. W. Blecher Trucking Company, Ricky L. Hall, and Great West Casualty Insurance Company IS GRANTED IN PART and DENIED IN PART.


The Motion to Dismiss IS DENIED with regard to exemplary damages because those damages have not been requested.

IT IS ORDERED that the plaintiff has thirty (30) days from the date of this Judgment to amend the complaint to allege intoxication if warranted..

The Motion to Dismiss IS GRANTED to the extent that the plaintiff cannot file a claim on behalf of the Estate of James Rodney Hill. Michelle Hill's shall be permitted to seek her individual damages as the surviving spouse of the decedent in either a survival action and/or a wrongful death

action.

Lake Charles, Louisiana, this 19 day of July, 2006.



PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE